
HOUSE BILL No. 1406

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-2-148.5; IC 35-33.5-6.

Synopsis: Interception of telephone communications. Allows for the telephone lines that run into a location to be cut, rerouted, or diverted without a warrant if: (1) the supervising officer of a law enforcement agency is present at the location and has reasonable cause to believe that a person is holding a hostage, a person has barricaded himself or herself and taken a position of confinement to avoid apprehension, a person who is about to be arrested will resist with the use of weapons, or a person has barricaded himself or herself and is armed and threatening suicide; and (2) cutting, rerouting, or diverting the telephone lines is technically feasible and can be performed without endangering the lives of law enforcement agency or telephone company personnel.

Effective: July 1, 2001.

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January 11, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1406

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-30-2-148.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2001]: **Sec. 148.5. IC 35-33.5-6-2 (Concerning**
4 **persons who cut, reroute, or divert telephone lines pursuant to**
5 **order of law enforcement officer).**

6 SECTION 2. IC 35-33.5-6 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2001]:

9 **Chapter 6. Exceptions for Emergencies**

10 **Sec. 1. Notwithstanding any other provision of this article, if:**

11 **(1) the supervising officer of a law enforcement agency is**
12 **present at a particular location;**

13 **(2) the supervising officer has reasonable cause to believe**
14 **that:**

15 **(A) a person present at the location is holding at least one**

16 **(1) hostage;**

17 **(B) a person present at the location has barricaded himself**



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1 or herself and taken a position of confinement to avoid
2 apprehension;

3 (C) a person present at the location, who is about to be
4 arrested, will resist with the use of weapons; or

5 (D) a person present at the location has barricaded himself
6 or herself and is armed and threatening suicide; and

7 (3) cutting, rerouting, or diverting the telephone lines that run
8 into the location:

9 (A) is technically feasible; and

10 (B) can be performed without endangering the lives of law
11 enforcement agency or telephone company personnel;
12 the supervising officer may order law enforcement agency or
13 telephone company personnel to cut, reroute, or divert the
14 telephone lines for the purpose of preventing telephone
15 communications between the person described in subdivision (2)
16 and any other person other than a law enforcement officer or a law
17 enforcement officer's designee.

18 Sec. 2. A good faith reliance by a person on an oral or written
19 order to cut, reroute, or divert telephone lines that is given by a
20 supervising law enforcement officer under section 1 of this chapter
21 constitutes a complete defense to a civil, criminal, or administrative
22 action brought against the person.

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